

1 SUZANNE L. MARTIN
2 Nevada Bar No. 08833
3 suzanne.martin@ogletreedeakins.com
4 DANA B. KRULEWITZ
5 Nevada Bar No. 011180
6 dana.krulewitz@ogletreedeakins.com
7 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
Wells Fargo Tower
Suite 1500
3800 Howard Hughes Parkway
Las Vegas, NV 89169
Telephone: 702.369.6800
Fax: 702.369.6888

Attorneys for Defendants

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

JEREMY KONDRK, an individual,

Plaintiff,

VS.

TOWBIN AUTOMOTIVE HOLDINGS,
INC., TOWBIN MANAGEMENT INC.,
TOWBIN OF LAS VEGAS, LLC, TOWBIN
DODGE, LLC, and DOES I through X and
ROE BUSINESS ENTITIES I through X,
inclusive.

Defendants.

Case No.: 2:15-cv-00330-RFB-NJK

**JOINT REQUEST AND [PROPOSED]
ORDER FOR REFERRAL TO EARLY
NEUTRAL EVALUATION SESSION**

Plaintiff, Jeremy Kondrk (“Plaintiff” or “Kondrk”) and Defendants Towbin Automotive Holdings, Inc., Towbin Management Inc., Towbin of Las Vegas, LLC, and Towbin Dodge, LLC (“Defendants”) by and through their respective attorneys’ of record, hereby jointly request that the Court refer this case for an Early Neutral Evaluation (“ENE”) session.

On January 26, 2015, Plaintiff filed a lawsuit against Defendants in the Eighth Judicial District Court in the State of Nevada alleging violations of the Family and Medical Leave Act (“FMLA”). On February 25, 2015, Defendants removed the lawsuit to the United States District Court, District of Nevada. (Dkt. # 1.)

1 In Paragraph 3 of the Complaint, Plaintiff represents that he has filed a Charge with the
2 United States Equal Employment Opportunity Commission (“EEOC”) for violation of the
3 Americans with Disabilities Act of 1990, 42 U.S.C. § 12101 *et. seq.* (“ADA”) and that he will
4 amend his Complaint when his Charge is administratively processed and his claim is ripe.
5 Pursuant to Local Rule 16-6, all employment discrimination actions filed in this Court must
6 undergo early neutral evaluation. For purposes of this rule, “employment discrimination actions”
7 include, but are not limited to claims under the ADA. Thus, this action will eventually be referred
8 for an ENE as it falls within the scope of Local Rule 16-6. However, the parties believe that there
9 is no reason to delay the referral of this matter to an ENE and further believe that the matter would
10 benefit from being referred to an ENE without delay.

11 ///

12 ///

13 ///

14 ///

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 Accordingly, the parties hereby request that this Court order and schedule an ENE session.
2 This request is made in good faith in order to permit the parties an opportunity to reach a potential
3 early resolution of this matter and to comply with Local Rule 16-6(a). This request is not brought
4 for any improper purpose and will not result in any undue delay or prejudice to any party.

5 JOINTLY SUBMITTED:

6 Dated this 25th day of March, 2015.

7 KEMP & KEMP

8 /s/ Victoria Neal

9 James P. Kemp, Esq.
Victoria Neal, Esq.
10 7435 W. Azure Drive, Suite 110
Las Vegas, Nevada 89130
11 *Attorneys for Plaintiff*

Dated this 25th day of March, 2015.

OGLETREE, DEAKINS, NASH, SMOAK
& STEWART, P.C.

/s/ Dana B. Krulewitz

Suzanne L. Martin
Dana B. Krulewitz
Wells Fargo Tower
Suite 1500
3800 Howard Hughes Parkway
Las Vegas, NV 89169
12 *Attorneys for Defendants*

13 **ORDER**

14 IT IS SO ORDERED.



15 RICHARD F. BOULWARE, II
United States District Judge

16 DATED this 13th day of April, 2015.